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August 18, 2006

**TO:** Examiner Borgeest**GROUP:** 1649**FAX NUMBER:** 571-273-8300**ATTORNEY DOCKET NO.:** PTQ-0027**SERIAL NO.:** 09/115,589**FILED:** July 15, 1998**NUMBER OF PAGES:** 22**MESSAGE:** Attached please find Amendment Transmittal Letter; Reply under 37 C.F.R. 1.116 mailed June 19, 2006; and Certificate of Transmission by Facsimile.**Kathleen A. Tyrrell, Registration No. 38,350****URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!**

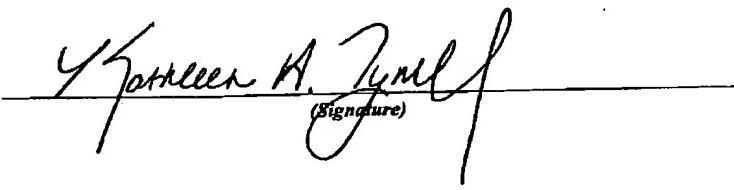
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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			
Applicant(s): Van Eyk et al.			
Application No.	Filing Date	Examiner	Group Art Unit
09/115,589	July 15, 1998	Borgeest, Christina M.	1649
Invention: Methods of Diagnosing Muscle Damage			
I hereby certify that this <u>Reply under 37 CFR 1.116</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> ) on <u>August 18, 2006</u> <small>(Date)</small>			
<u>Kathleen A. Tyrrell</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small>			
<small>Note: Each paper must have its own certificate of mailing.</small>			

AUG 18 2006

## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Van Eyk et al.

Docket No.  
PTQ-0027

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/115,589	July 15, 1998	Borgeest, Christina M.	26259	1649	1553

Invention: Methods of Diagnosing Muscle Damage

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

- Applicant claims small entity status. See 37 CFR 1.27

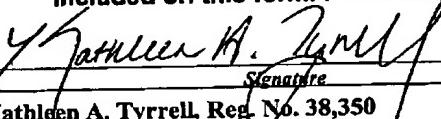
The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	17 -	42 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	2 -	4 =	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- No additional fee is required for amendment.
- Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619
- Any additional filing fees required under 37 C.F.R. 1.16.
  - Any patent application processing fees under 37 CFR 1.17.
- Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature  
Kathleen A. Tyrrell, Reg. No. 38,350

Dated: August 18, 2006

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_.

(Date)

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RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1649

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 18 2006

Attorney Docket No.: PTQ-0027

Inventors: Van Eyk et al.

Serial No.: 09/115,589

Filing Date: July 15, 1998

Examiner: Borgeest, Christina M.

Customer No.: 26259

Group Art Unit: 1649

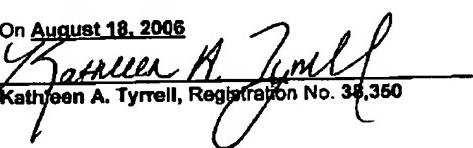
Confirmation No.: 1553

Title: Methods of Diagnosing Muscle Damage

## Certificate of Facsimile Transmission

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On August 18, 2006

  
Kathleen A. Tyrrell, Registration No. 35,350

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Reply under 37 C.F.R. 1.116

This is a reply to the Final Rejection mailed June 19, 2006 setting a three (3) month statutory period for response. Please enter the following amendments and remarks into the record.

Attorney Docket No.: **PTQ-0027**  
Inventors: **Van Eyk et al.**  
Serial No.: **09/115,589**  
Filing Date: **July 15, 1998**  
Page 2

**Amendments to the Specification** begin at page 3.

**Amendments to the claims** are reflected in the listing  
of claims which begins on page 5 of this paper.

**Remarks/Arguments** begin on page 13.